

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

Date of mailing
(day/month/year)

25 JAN 2006

Applicant's or agent's file reference

P6721 541975

IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US05/03553

04 February 2005 (04.02.2005)

05 February 2004 (05.02.2004)

Applicant

LOMON MOLDING, INC

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the IPEA/ US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
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[Signature]
Patent Director
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Form PCT/IPEA/416 (January 2004)

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P6721 541975	FOR FURTHER ACTION		See Form PCT/IPEA/416																								
International application No. PCT/US05/03553	International filing date (day/month/year) 04 February 2005 (04.02.2005)	Priority date (day/month/year) 05 February 2004 (05.02.2004)																									
International Patent Classification (IPC) or national classification and IPC IPC(7): B29C 45/14 and US Cl.: 264/259, 275,334																											
Applicant LOMON MOLDING, INC																											
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																											
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>				<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand 24 August 2005 (24.08.2005)		Date of completion of this report 19 December 2005 (19.12.2005)																									
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201		Authorized officer EDMUND H. LEE Telephone No. 571.272.1700 <div style="text-align: right;">  Jean Proctor Paralegal Sp. </div>																									

Box No. I Basis of the report1. With regard to the **language**, this report is based on:

- ☐ the international application in the language in which it was filed.
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-9 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages 10-13 as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages 1-8 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

** If item 4 applies, some or all of those sheets may be marked "superseded."*

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US05/03553**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>5-8, 13, 16-18</u>	YES
	Claims <u>1-4, 9, 10-12, 14-15</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-18</u>	NO
Industrial Applicability (IA)	Claims <u>1-18</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and Explanations (Rule 70.7)
Please See Continuation Sheet

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V. 2. Citations and Explanations:

Claims 8-11 and 13-16 lack novelty under PCT Article 33(2) as being anticipated by Dolber (USPN 5520876). Dolber teaches the claimed process as evidenced by figs 1-6.

Claims 1-7 lack an inventive step under PCT Article 33(3) as being obvious over Abrams (USPN 5800757). In regard to claim 1, Abrams teaches the basic claimed process except the claimed limitations directed to a second object being a second sign. It should be noted that Abrams teaches producing a point of use promotion sign. Since it is well-known in the marketing industry to use two-sided point of use promotion signs to attract customers from two directions, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mold connect the promotional sign of Abrams to another molded identical promotional sign in order to attract customers from two directions. Abrams teaches the limitation of claims 2-4 as evidenced by figs 17-21. Abrams does not teach the claimed design of claim 5; a male snap element; and a groove. In regard to the claimed design of claim 5, such is a mere obvious matter of choice dependent on the desired final product and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed designs are well-known in the sign art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed designs in the process of Abrams in order to form a diverse product. In regard to a male snap element, such is well-known in the molding art as an effective means for connection. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a male snap element in the sign of Abrams (modified) in order to efficiently and effectively connect the signs. In regard to a groove, such is well-known in the molding art as an effective means for connection. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a groove in the sign of Abrams (modified) in order to efficiently and effectively connect the signs.

Claims 12 and 17-18 lack an inventive step under PCT Article 33(3) as being obvious over Dolber (USPN 5520876). The above teachings of Dolber are incorporated hereinafter. Dolber does not teach operating the heated sprue to eliminate the need to manually trim the sign; the limitations of claim 16; adjusting the orientation of the label by an orientation adjustment mechanism; using an adjustment mechanism that can adjust in a lateral direction, vertical direction and rotational direction; placing at least one label from the first set and at least one label from the second set in the second sign mold portion. In regard to operating the heated sprue to eliminate the need to manually trim the sign, such is well-known in the molding art in order to reduce the number of manufacturing steps. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to operate the sprue of Dolber to eliminate the need to trim the sign of Dolber. In regard to the limitations of claim 16, such is well-known in the insert molding art in order to accurately place the label in the mold. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed device in the process of Dolber in order to ensure accurate placement of the label. In regard to adjusting the orientation of the

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Supplemental Box

label by an orientation adjustment mechanism, such is well-known in the molding art in order to facilitate proper placement of an insert. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an orientation adjustment mechanism in the device of Dolber in order to facilitate accurate placement of the label of Dolber. In regard to using an adjustment mechanism that can adjust in a lateral direction, vertical direction and rotational direction, such is well-known in the molding art in order to ensure accurate placement of an insert. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an adjustment mechanism in the device of Dolber that can go in the claimed directions in order to ensure accurate placement of the label. In regard to placing at least one label from the first set and at least one label from the second set in the second sign mold portion, such is well-known in the insert art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to insert two labels from two sets of labels into the mold of Dolber in order to form a diverse article.

Claims 1-18 meet the criteria set out in PCT Article 33(4), and thus the claimed inventions have industrial applicability because the subject matter claimed can be made or used in industry.

In applicant's reply filed 08 August 2005, applicant argued that Abrams does not teach the claimed second object; and Dobler does not teach associating an injection device and ejection system with the same mold portion, and placing a label in a the second sign mold portion. In regard to the Abrams not teaching the claimed second object, such has been addressed by the above rejection. In regard to associating an injection device and ejection system with the same mold portion, it is clear from Dobler that opening 29 of mold portion 1 of Dobler constitutes an injection port. In regard to placing a label in a the second sign mold portion, it should be noted that the claimed second portion is met by the combination of mold portions 22 and 9, i.e., collectively mold portions 22 and 9 of Dobler constitute the claimed second mold portion.

----- NEW CITATIONS -----